

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
JUNE 24, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, June 24, 2014, in the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Art Hughes and Chuck Konderla were present. Councilmembers Greg Owens and Ann Horton were absent. In attendance were City Manager Kean Register, City Attorney Janis Hampton, and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 1:54 p.m.

2. PRESENTATION BY STAFF REGARDING NEW CITY WEBSITE

Web Communications Specialist Ken Smith presented an overview of the expanded functionalities of the City's new website.

3. PRESENTATION BY MIKE MCINTURFF, PE, PTOE, REGARDING TRAFFIC CALMING

Mr. McInturff presented information regarding traffic calming efforts. He defined traffic calming and described the effectiveness of traffic calming measures such as speed bumps, roundabouts, partial closures, center islands, bulb outs and diagonal diverters. He also discussed impacts of education and enforcement measures. Mr. McInturff explained the benefits of implementation of a traffic calming policy. After discussion, it was indicated that staff should proceed with the development of a traffic calming policy for the Council's consideration.

4. PRESENTATION BY DR. TIM LOMAX, TTI, REGARDING AN UPDATE ON THE TEXAS A&M GAME DAY TRAFFIC STUDY

Dr. Lomax presented information about the Kyle Field game day transportation plan. He advised the community needed the ability to handle crowds 25 to 30 percent larger on Texas A&M University football game days. He also advised a game day mobile application (Destination Aggieland) had been developed to assist in traffic congestion reduction. The application will increase awareness of dining, hotel and entertainment options in the Bryan-College Station community. Dr. Lomax indicated that signal system real-time communication improvements would be needed at the cost of \$250,000 to the City of Bryan. He summarized the plan would increase pedestrian safety and reduce traffic congestion.

5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JUNE 24, 2014

Councilmembers briefly discussed agenda items 5 g, 6 b, 6 d, 6 e, 6 f and 6 g of the consent/statutory agenda for the second regular meeting of June 24, 2014. No action was taken regarding the items discussed.

6. ADJOURN

Without objection, the meeting was adjourned at 3:19 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING – 3:45 P.M.
JUNE 24, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, June 24, 2014, in Room 305 of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Art Hughes and Chuck Konderla were present. Councilmembers Greg Owens and Ann Horton were absent. Also present were City Manager Kean Register, City Attorney Janis Hampton, and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 3:50 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:51 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney – receive legal advice regarding the Traditions Master Economic Development Agreement, receive legal advice regarding Traditions Limited Partnership Agreement, receive legal advice regarding possible amendments to the reclaimed water agreement with Traditions Acquisition Partnership, Ltd., receive legal advice regarding tax abatement agreement compliance, receive legal advice regarding Council ethics policy, receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park, receive legal advice regarding proposed amendments to groundwater district rules, receive legal advice regarding a request for a guarantee of a loan to the City of Bryan-Brazos County Economic Development Foundation, Inc., for acquisition of real property in the Texas Triangle Park, receive legal advice concerning economic development negotiations on proposed east, west, and downtown development projects, receive legal advice regarding restrictions on texting while driving, receive legal advice regarding enforcement of portable storage building restrictions; under the authority of Section 551.072, real estate – discussion regarding possible sale and/or purchase of property in the Texas Triangle Park, central, and north Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Secretary, City Internal Auditor and City Attorney; under the authority of Section 551.086, competitive matters – discussion regarding competitive matters related to Bryan Texas Utilities; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, and central Bryan and the Texas Triangle Park; discussion regarding possible economic incentives related to a proposed community-wide private fiber optic broadband network.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:09 p.m. No action was taken regarding items discussed in executive session. The meeting was recessed at 6:09 p.m. with an announcement the meeting would be reconvened later in the evening in the same location. The meeting was reconvened in open session at 8:29 p.m. in the same location. The meeting was called into executive session at 8:29 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney – receive legal advice regarding the Traditions Master

Economic Development Agreement, receive legal advice regarding Traditions Limited Partnership Agreement, receive legal advice regarding possible amendments to the reclaimed water agreement with Traditions Acquisition Partnership, Ltd., receive legal advice regarding tax abatement agreement compliance, receive legal advice regarding Council ethics policy, receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park, receive legal advice regarding proposed amendments to groundwater district rules, receive legal advice regarding a request for a guarantee of a loan to the City of Bryan-Brazos County Economic Development Foundation, Inc., for acquisition of real property in the Texas Triangle Park, receive legal advice concerning economic development negotiations on proposed east, west, and downtown development projects, receive legal advice regarding restrictions on texting while driving, receive legal advice regarding enforcement of portable storage building restrictions; under the authority of Section 551.072, real estate – discussion regarding possible sale and/or purchase of property in the Texas Triangle Park, central, and north Bryan; competitive matters – discussion regarding competitive matters related to Bryan Texas Utilities; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, and central Bryan and the Texas Triangle Park; discussion regarding possible economic incentives related to a proposed community-wide private fiber optic broadband network. Councilmember Konderla left the meeting at 8:39 p.m. during executive session.

The meeting was called into open session at 9:26 p.m. Councilmember Hughes moved to approve the amendment to the tax abatement agreement with G-Con and authorize the Mayor to sign the amendment. The motion was seconded by Mr. Peña and carried with all present voting aye.

4. ADJOURN

Without objection, the meeting was adjourned at 9:27 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING – 6:00 P.M.
JUNE 24, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, June 24, 2014, in the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Art Hughes and Chuck Konderla were present. Councilmembers Greg Owens and Ann Horton were absent. Also present were City Manager Kean Register, City Attorney Janis Hampton, and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 6:14 p.m.

2. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. FLAG AND TEXAS FLAG

Pastor Larry Reinecke, Christ's Way Baptist Church, gave the invocation and Mr. John Velasquez, VFW Post #4692, led the pledges.

3. PROCLAMATIONS AND PRESENTATIONS

The 2014 Jefferson Award winners were recognized. Planning Manager Martin Zimmermann was presented with a U.S. flag that flew over the nation's capital on the day he became a U.S. citizen.

4. HEAR CITIZENS

Mr. Royce Hickman and Mr. Glen Brewer with the Bryan-College Station Chamber of Commerce thanked the City for its support of the Washington, D.C., legislative trip. Ms. Anita Ramay, 508 East Pease; Ms. Gerry Hince, 4032 Austin's Estates Drive; Mr. John Withers, 548 Hilton Road; Mr. Ken Spencer, 3610 Windbridge; Mr. Tom Powell, 7295 Phillips Drive; and Mr. John Hince, 4032 Austin's Estates Drive, spoke in support of agenda item 7 a.

5. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced agenda item 5 g would be considered separately. Councilmember Konderla made a motion to approve the remainder of the consent agenda. Councilmember Saenz seconded the motion, which carried with all present voting aye.

- a. Approval of Minutes – Workshop and Regular Meetings of May 13, 2014, and May 27, 2014**
- b. Consideration – Geotechnical Engineering, Materials Testing and Construction Inspection Services Contract with Terracon Consulting Engineers & Scientists, Inc.**

Consider approving a contract with Terracon Consulting Engineers & Scientists, Inc., for geotechnical engineering, materials testing, and construction inspection services, in an amount not to exceed \$100,000. Source of Funds: Transportation Fee, Drainage Fee, Bond Funds, General Fund, Water and Sewer Funds.

c. Consideration – Contract with Quality Hardwood Floors, Inc., for the Replacement of the Gymnasium Floor in the Neal Recreation Center

Consider approving a contract with Quality Hardwood Floors, Inc., for the replacement of the gymnasium floor in the Neal Recreation Center, in an amount not to exceed \$90,500. Fifty percent of the cost, \$45,250, will be paid by the City of Bryan and the remaining fifty percent will be paid by Bryan Independent School District, per the entities' joint use agreement. Source of Funds: General Fund.

d. Consideration – Extend Annual Price Agreement for Type A/Grade 1 Flexible Base Material with Brazos Site Works

Consider approving the first extension to an existing annual price agreement with Brazos Site Works of Bryan, Texas, for Type A/Grade 1 flexible base material, in an amount not to exceed \$199,000. Source of Funds: General Fund.

e. Consideration – Interlocal Agreement for the Landscape Maintenance of Health Science Center Parkway

Consider approving an interlocal agreement with the City of College Station, to contract with Rios Tree Service, Inc., for the landscape maintenance of Health Science Center Parkway, in an amount not to exceed \$18,000. The City of College Station will reimburse the City of Bryan for their portion of the maintenance. Source of Funds: General Fund.

f. Consideration – Right-of-Way Easement with HALCON Field Services, LLC, and Property Exchange Agreement with Harrison Holdings Limited Partnership

Consider authorizing the Mayor to convey a right-of-way easement to HALCON Field Services, LLC, for an underground pipeline through a 1.83 acre tract and a 9.17 acre tract of land located off of Old Reliance Road, and to execute a property exchange agreement with Harrison Holdings Limited Partnership pertaining to approximately 9.17 acres located at the same location as the right-of-way easement.

h. Resolution – Addition of Land into the Wellborn Special Utility District

Adoption of Resolution No. 3554 of the City Council of the City of Bryan, Texas, consenting to the addition of certain land located within the City's Extraterritorial Jurisdiction (ETJ) into the boundaries of the Wellborn Special Utility District.

Council then considered the item removed from the consent agenda for separate consideration.

g. Resolution – Fees for Mobile Food Vendors

After a staff presentation, Councilmember Saenz moved to adopt Resolution No. 3555 of the City Council of the City of Bryan, Texas, establishing the fees to be charged and collected for applications and permits issued by the City of Bryan pursuant to mobile food vending. The motion was seconded by Councilmember Peña and carried with all present voting aye.

6. STATUTORY AGENDA

It was announced agenda items 6 b, 6 d, 6 e, 6 f and 6 g would be removed from the statutory agenda for separate consideration. Councilmember Konderla moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

a. Consideration – Cancel Award of Contract with RHB Construction, Inc.

Consider canceling award of the contract with RHB Construction, Inc., for 2014 Street Maintenance Crack Seal, City Project No. 332-D3-1402.

c. Consideration – Property Use License Agreement with Seitel Data, Ltd.

Consider authorizing the Mayor to execute a property use license agreement with Seitel Data, Ltd., to test 137.05 acres owned 100 percent by the City of Bryan.

Council then considered the items removed from the statutory agenda.

b. Consideration – Change Order #1 to the 2013 Street Maintenance – Asphalt Construction Contract

Councilmember Peña moved to approve Change Order #1 to the 2013 Street Maintenance – Asphalt Construction Contract, City Job No. 332-D3-1302, with Larry Young Paving, Inc., to provide for additional asphalt street work under this contract, in an amount not to exceed \$368,034.90, increasing the total contract price by 20.7% to \$2,144,318.65 (Source of Funds: Transportation Fees and BTU), with center and edge striping to extend all the way to Woodville Road. The motion was seconded by Councilmember Saenz. Director of Public Works Jayson Barfknecht reported a striping contract would soon be considered and he would investigate to see if this new work could be added to that contract. If not, the Council could consider a change order to this contract. Based on this information, the motion was withdrawn. Councilmember Konderla then moved to approve Change Order #1 to the 2013 Street Maintenance – Asphalt Construction Contract. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

d. Consideration – Property Use License Agreement with Vector Seismic Data Processing, Inc.

It was suggested the City ask for a higher price from the company relative to this agreement. It was explained the pricing was based on multiple city-owned properties that were small and not one large, contiguous piece of property. It was also mentioned the City was receiving additional application and rights-of-way fees from the company. Mayor Bienski moved to approve a property use license agreement with Vector Seismic Data Processing, Inc., to test 741.995 acres owned 100 percent by the City of Bryan. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

e. First Reading of an Ordinance – Amend Chapter 78, “Natural Resources” of the Bryan Code of Ordinances

After a staff presentation, Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Sections 78-13, 78-31, and 78-33 of Chapter 78, Natural Resources, Article I, replacing the Fire Department, Fire Chief,

and Fire Marshals with the Oil and Gas Inspector, for safety inspection and approval requirements. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

f. First Reading of an Ordinance – Amend Chapter 122, “Utilities” of the Bryan Code of Ordinances

Councilmember Peña moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Chapter 122, Utilities, by revising Article IV, Division 2, “Sewer Use,” by adding definitions, regulating unsewered and miscellaneous discharges, regulating traps, and removing Section 122-155, “Mobile Food Vendors;” providing penalties; providing for publication; providing an effective date. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

g. First Reading of an Ordinance – Add Chapter 91, “Mobile Food Vendors” to the Bryan Code of Ordinances

Councilmember Saenz moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, by adding Chapter 91, Mobile Food Vendors; providing penalties; providing for publication; providing an effective date. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

7. REGULAR AGENDA

a. Consideration – Vietnam Veterans of America Chapter 937 Monument

Councilmember Peña moved to provide funding in the amount of \$25,000 to the Downtown Vietnam Veterans Memorial (Source of Funds: Hotel/Motel Tax Fund if applicable or General Fund). The motion was seconded by Councilmember Konderla. Vietnam veterans were thanked for their sacrifice and service. The motion carried with all present voting aye.

b. Consideration – Policy to Require Use of the "City of Bryan Hotel Tax Fund Expenditure Grant Application Packet" by the Downtown Bryan Association

An opinion was expressed that the Downtown Bryan Association (DBA) should be required to apply for hotel/motel funds through the Convention and Visitors Bureau (CVB) process and prove their programs and activities were attracting overnight visitors staying in hotels. Councilmember Peña moved to require the use of the City of Bryan Hotel Tax Fund Expenditure Application Packet by the Downtown Bryan Association. Councilmember Saenz seconded the motion. It was opined there should be more accountability for City funds provided to DBA. It was clarified the request was to require all funding requests for all associations to utilize the CVB process, not just events. It was pointed out that the City routinely provides funding to groups and associations, citing the previous agenda item as an example. After discussion, the motion failed to carry by a vote of two yeses (Councilmembers Pena and Saenz), three noes (Mayor Bienski and Councilmembers Hughes and Konderla) and two absent.

c. Resolution – Establish Rates for Residential and Commercial Water and Wastewater Services

Councilmember Peña moved to adopt Resolution No. 3556 of the City Council of the City of Bryan, Texas, repealing and replacing Resolution No. 3481, and establishing the rates for

residential and commercial water and wastewater services to become effective with the first billing cycle on or after October 1, 2014, or when the capability to bill the inclining blocks is available, whichever is later. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

8. COUNCIL COMMITTEE REPORTS

Councilmember Hughes reported on a recent meeting of the Bryan-Brazos County Economic Development Foundation Board.

9. CITY MANAGER REPORT

Mr. Register reported *Firehouse Magazine* recognized Lt. Greg Pickard, Firefighter Ricky Mantey and Firefighter Mitch Moran with its highest honor. He also reported *Fire Engineering Magazine* posthumously awarded Lt. Greg Pickard its top award as well.

10. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Vietnam Veterans Memorial dedication in Veterans Park, town hall meetings, Hispanic Forum scholarship banquet, Juneteenth parade and activities, and the new City website. The 2014 Jefferson Award winners were again congratulated. Vietnam Veterans were thanked for their service.

11. ADJOURN

Without objection, the meeting was adjourned at 7:52 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski